

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

JULY 31, 2007

Supreme Court Ruling

The State Supreme Court has issued a ruling in the case of O'Connell v. City of Stockton which speaks to the issue of a local ordinance allowing the forfeiture of Vehicles when used to commit certain criminal acts under state law. The Court of Appeal held that state law preempts the Stockton ordinance and the Supreme Court's ruling concurs with the Court of Appeal. Our County has vehicle forfeiture ordinances for three types of offenses: Illegal dumping, water theft and speed contests. The active enforcement of these ordinances and the Board's consideration of a similar ordinance for graffiti and tagging activities were on hold pending the outcome of this decision.

I, THEREFORE, MOVE that the Board of Supervisors direct the County Counsel to work with the District Attorney's Office and the Sheriff's Department and report back in two weeks with a review of the Supreme Court's ruling in the case of O'Connell v. City of Stockton to determine its impact on the County's existing vehicle forfeiture ordinances and recommendations for the Board's consideration, including the option to seek legislation.

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MDA:aplc
7-31-07 Supreme Court Ruling

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MOLINA _____

BURKE _____

KNABE _____

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